

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GIOVANNI MCDOWELL,

Plaintiff,

v.

STEVE SMITH, et al.,

Defendants.

No. 1:24-cv-00500-JLT-SAB (PC)

ORDER DISCHARGING ORDER TO SHOW
CAUSE AND DIRECTING DEFENDANT
COBIAN TO FILE A RESPONSE TO THE
OPERATIVE COMPLAINT WITHIN
THIRTY DAYS

(ECF Nos. 31, 32)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

This action is proceeding against Defendants Smith, Storey, Davis, and Cobian for deliberate indifference Plaintiff's safety.

On October 7, 2024 and November 6, 2024, the Court granted Defendant Cobian an extension of time to file a waiver of service of process, which was due on or before December 9, 2024.¹ (ECF Nos. 22, 24, 25, 26.)

On November 8, 2024, Defendants Smith, Storey, and Davis filed a timely answer to the complaint. (ECF No. 27.) However, Defendant Cobian failed to file a waiver of service of process or response within the allotted time frame.

¹ The Attorney General's Office appeared by way of special appearance on behalf of Defendant Cobian. (ECF Nos. 22, 25.)

1 On November 12, 2024, the Court referred the case to post-screening ADR and stayed the
2 case. (ECF No. 28.)


3 On December 12, 2024, the Court ordered the Attorney General's Office to show cause
4 why sanctions should not be imposed for failure to comply with the Court's November 6, 2024,
5 order. (ECF No. 31.) On this same date, Defendant Cobian returned a waiver of service of
6 process. (ECF No. 32.)

7 Inasmuch as Defendant Cobian has now filed a waiver of service of process, it is
8 HEREBY ORDERED that:

- 9 1. The Court's December 12, 2024, order to show cause (ECF No. 31) is
10 DISCHARGED; and
- 11 2. Defendant Cobian shall file a response to the operative complaint within **thirty**
12 **(30)** days from the date of service of this order.

13
14 IT IS SO ORDERED.

15 Dated: **December 13, 2024**



STANLEY A. BOONE
United States Magistrate Judge